

Form 149

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:

William T Hutchinson Sr.
Karen S Hutchinson
Debtor(s)

Bankruptcy Case No.: 17-70463-JAD
Issued Per Dec. 6, 2018 Proceeding
Chapter: 13
Docket No.: 64 - 44, 59
Concil. Conf.: at

ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated September 24, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,825 as of December 2018. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. *A final plan conciliation conference will be held on at , in .* If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: PA Department of Revenue at Claim No. 2 .
- H. Additional Terms: The secured claim of Westlake Financial at Claim No. 11-2 shall govern as to claim amount, to be paid at the modified plan terms.
The claim of Wilmington Savings Fund Society at Claim No. 5 governs with payment changes implemented.

(2.) *IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:*

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any *secured claim* that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: December 14, 2018

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 William T Hutchinson, Sr.
 Karen S Hutchinson
 Debtors

Case No. 17-70463-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 29

Date Rcvd: Dec 14, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 16, 2018.

db/jdb +William T Hutchinson, Sr., Karen S Hutchinson, 75 Privateroad 5069,
 Commodore, PA 15729-9116
 14643582 Access Services - VIN Capitol, P.O. Box 157, Tampa, FL 33603
 14661269 CitiFinancial Servicing LLC, P.O. Box 6043, Sioux Falls, SD 57117-6043
 14643585 +Citifinancia, 300 Saint Paul Pl, Baltimore, MD 21202-2120
 14643590 +Holiday Financial Serv, 300 Walmart Dr Ste 150, Ebensburg, PA 15931-4214
 14643591 +Indiana County Tax Claim Bureau, 825 Philadelphia Street, Indiana, PA 15701-3951
 14662005 Navient Solutions, LLC. on behalf of, Educational Credit Management Corporatio,
 PO BOX 16408, St. Paul, MN 55116-0408
 14724926 +Penelec, c/o FirstEnergy, Building #1, Suite 1-511, 101 Crawford's Corner,
 Holmdel, NJ 07733-1976
 14643595 +Penelec, 76 S. Main Street A-RPC, Akron, OH 44308-1812
 14643597 +Tek Collect, 871 Park St, Columbus, OH 43215-1441
 14643598 +United Auto Credit Co, 1071 Camelback St Ste 10, Newport Beach, CA 92660-3046
 14643599 Westlake Financial Svc, PO Box 141419, Irving, TX 75014-1419
 14726444 +Wilmington Savings Fund Society, c/o Aldridge Pite, LLP, 4375 Jutland Drive, Suite 200,
 P.O. Box 17933, San Diego, CA 92177-7921
 14750508 +Wilmington Savings Fund Society, FSB, Carrington Mortgage Services, LLC,
 1600 South Douglass Road, Anaheim, CA 92806-5948

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14643583 +E-mail/Text: EBNProcessing@afni.com Dec 15 2018 02:34:10 Afni, Inc., Po Box 3097,
 Bloomington, IL 61702-3097
 14643584 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Dec 15 2018 02:41:17
 Capital One Bank, N.A., P.O. Box 71083, Charlotte, NC 28272-1083
 14643586 +E-mail/Text: RVSVCBICNOTICE1@state.pa.us Dec 15 2018 02:33:48 Commonwealth of Pennsylvania,
 Department of Revenue, Strawberry Square, Fourth & Walnut Streets,
 Harrisburg, PA 17128-0001
 14643587 +E-mail/PDF: creditonebknotifications@resurgent.com Dec 15 2018 02:41:55 Credit One Bank Na,
 Po Box 98872, Las Vegas, NV 89193-8872
 14643588 +E-mail/Text: bankruptcynotice@fcbanking.com Dec 15 2018 02:33:17 First Commonwealth Ban,
 601 Philadelphia St, Indiana, PA 15701-3952
 14643589 +E-mail/Text: fsncustbrnotice@fullservicenetwork.com Dec 15 2018 02:33:15
 Full Service Network, 600 Grant St Fl 30, Pittsburgh, PA 15219-2709
 14643592 E-mail/Text: cio.bnmail@irs.gov Dec 15 2018 02:33:22 IRS,
 Centralized Insolvency Operation, P.O. Box 7346, Philadelphia, PA 19101-7346
 14699354 E-mail/PDF: resurgentbknotifications@resurgent.com Dec 15 2018 02:41:32
 LVNV Funding, LLC its successors and assigns as, assignee of FNBm, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14699357 E-mail/PDF: resurgentbknotifications@resurgent.com Dec 15 2018 02:41:30
 LVNV Funding, LLC its successors and assigns as, assignee of MHC Receivables, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14643593 +E-mail/PDF: pa_dc_claims@navient.com Dec 15 2018 02:42:20 Navient, Po Box 9500,
 Wilkes Barre, PA 18773-9500
 14643596 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 15 2018 02:53:36
 Portfolio Recovery Associates, LLC, P.O. Box 12914, Norfolk, VA 23541
 14726077 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 15 2018 02:52:53
 Portfolio Recovery Associates, LLC, POB 41067, Norfolk VA 23541
 14655006 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Dec 15 2018 02:33:48
 Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946,
 Harrisburg PA 17128-0946
 14678889 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Dec 15 2018 02:42:27 Verizon,
 by American InfoSource LP as agent, PO Box 248838, Oklahoma City, OK 73124-8838
 14773934 +E-mail/Text: peritus@ebn.phinsolutions.com Dec 15 2018 02:35:00
 Westlake - C/O Peritus Portfolio Services, P.O. Box 141419, Irving, TX 75014-1419
 TOTAL: 15

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Westlake Financial Svc
 cr Wilmington Savings Fund Society, FSB, as trustee o
 cr* Westlake C/O Peritus Portfolio Services, P.O. Box 141419, IRVING, TX 75014-1419
 14712684* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067
 (address filed with court: Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541)
 14783797* Westlake C/O Peritus Portfolio Services, P.O. Box 141419, Irving, TX 75014-1419
 14643594 ##+Northwest Consumer Discount Company, PO Box 456, Punxsutawney, PA 15767-0456
 TOTALS: 2, * 3, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

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User: jhel
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***** BYPASSED RECIPIENTS (continued) *****

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Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 16, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 14, 2018 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Wilmington Savings Fund Society, FSB, as trustee of Stanwich Mortgage Loan Trust A bkgroup@kmllawgroup.com
Kenneth P. Seitz on behalf of Joint Debtor Karen S Hutchinson thedebterasers@aol.com
Kenneth P. Seitz on behalf of Debtor William T Hutchinson, Sr. thedebterasers@aol.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Wimneour cmecf@chapter13trusteeewdpa.com

TOTAL: 5